REMARKS

Reconsideration of this application and allowance of the claims is respectfully requested.

The examiner has rejected claim 1 and numerous other claims as unpatentable over Lovegrove et al. European Patent 0136042 B1.

As stated in claim 1 of this application, this invention relates to a method of removing residual gas from inside a typically conventional shipping container, typically after a period of time in which goods have been stored in the container. This method comprises the steps of: accessing an open end door of the container, and operatively coupling a panel to the container at the end door opening, (the door being open) to reseal the container. Then, at least some of the residual gas, which is typically toxic and undesirable for workers to breathe, is extracted, typically sucking down to a partial vacuum inside of the container, via the end door opening. This then is followed by providing a flow of flushing gas into the container via the end door opening, and typically through the panel.

Thus, by this technique, various forms of toxic fumes or gas may be removed from a freshly opened storage container before its entry by workers. Advantages are as described on pages 1-3 of the specification, for example.

To the contrary, the Lovegrove et al. European patent relates to a significantly different technique, having a significantly different purpose. While, by this invention, undesirable or toxic fumes are removed from a container before workers are provided access to it, in Lovegrove et al. the purpose of the invention is to maintain a proper atmosphere for the contents of the container, typically living vegetable matter that respires, and is desirably stored at low temperatures but above freezing, with an oxygen

level that is substantially reduced, but not zero. This is accomplished in Lovegrove by the presence in the transport container of an oxygen sensor and a carbon dioxide sensor (claim 1), plus an apparatus for reducing the carbon dioxide level as necessary, coupled with partial sealing only of the container so that oxygen from the outside air can diffuse into the container.

Thus, it can be seen that the purposes of the invention of this application and that of Lovegrove et al. are entirely different. Why then, would those skilled in the art be led to modify Lovegrove et al. to provide the invention of this application, when the purpose of this present application is entirely different from that of Lovegrove et al.? Lovegrove et al. is maintaining a desired, low oxygen atmosphere long term in a shipping container, while this invention relates to the replacement of the atmosphere of a shipping container which may be disagreeable or toxic, for the protection of workers who are about to enter it!

As another significant distinction between the teachings of Lovegrove et al. and the invention of this application, for example, as described in claim 1 note that the shipping container of this invention comprises a "conventional shipping container".

This is to be contrasted with the invention of Lovegrove et al., where the shipping container must clearly be modified for the practice of the Lovegrove invention, and thus a conventional shipping container cannot be used.

The importance of this can be seen from the fact that, in a large port, shipping containers come and go by the thousands. One particular shipping container may never again reach a particular site where the invention of this application is being practiced.

Thus, there is a very strong advantage of a process and apparatus which works on shipping containers which are of the type that arrive into the United States by the hundreds every day. By this invention, any conventional shipping container of the type presently in existence by the thousands may be opened in the safe manner, with removal of toxic gases prior to worker access. Then, that particular shipping container may be shipped away again, never to be seen again at the particular site.

This is a very valuable feature which, of course, has no counterpart whatsoever in Lovegrove et al. To be sure, Lovegrove et al. relates to a completely different process for a completely different purpose, but the shipping containers of Lovegrove et al. must be modified, which in the context of this present invention is very undesirable. A great advantage of this present invention is that it can be used in conjunction with the conventional shipping containers which are presently used for imports and exports.

Looking at claim 1, note the step in the last line "...to flush residual gas from the container."

It is submitted that there is no step of gas flushing in Lovegrove et al. There is a certain seepage and gradual replacement of atmosphere in Lovegrove, but the purpose of Lovegrove is to maintain a desired atmosphere, not to flush the container which clearly, by the meaning of the word "flush", means to vigorously sweep out and replace the atmosphere of the container, typically with fresh air.

Furthermore, the step in claim 1 of "...extracting at least some of the residual gas present in the container via the end or opening" ... is a major part of the advantage of this invention, permitting the use of conventional containers, which have their doors

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opened, and then the end door opening being sealed, gas being extracted to provide a partial vacuum, and then flushing of the container interior with, typically fresh air.

Note also the attached Declaration of Kenneth George Brash, a known expert in the field.

In view of the above, it is submitted that claim 1 and its dependent claims, as well as the other claims, are clearly patentable over Lovegrove et al.

Independent claim 18 also exhibits distinctions over Lovegrove et al. of a nature similar to the distinctions described above. As before, it relates to a panel having a gas inlet device and the gas extraction device that attaches to the opening of the enclosure, followed by removing internal gas to provide a partial vacuum, and then further followed by flushing.

Similarly, independent claims 21, 24, 28, and their dependent claims, all provide significant distinction over Lovegrove et al.

In view of the above, allowance of the claims is respectfully requested.

Respectfully submitted,

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Registered Attorney for Applicant
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